

JOINT PUBLIC NOTICE

May 12, 2014

United States Army
Corps of Engineers
New Orleans District
Regulatory Branch
Post Office Box 60267
New Orleans, Louisiana 70160-0267

(504) 862-1564

Stephanie.L.Castaing@usace.army.mil

Project Manager
Stephanie Castaing
Permit Application Number
MVN 2014-0508-EPP

State of Louisiana
Department of Environmental Quality
ATTN: Water Quality Certifications
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

(225) 219-3225

Project Manager
Elizabeth Johnson
WQC Application Number
WQC 140506-01

Interested parties are hereby notified that a permit application has been received by the New Orleans District of the U.S. Army Corps of Engineers pursuant to: [X] Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 USC 403); and/or [X] Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344).

Application has also been made to the Louisiana Department of Environmental Quality, Water Quality Certifications, for a Water Quality Certification (WQC) in accordance with statutory authority contained in LRS30:2047 A(3), and provisions of Section 401 of the Clean Water Act (P.L.95-17).

COMMERCIAL DEVELOPMENT ON THE MISSISSIPPI RIVER IN ORLEANS PARISH

NAME OF APPLICANT: Vanilla Sky Cafe, LLP, 2416 Division Street, Metairie, Louisiana 70001.

LOCATION OF WORK: Located on the left descending bank of the Mississippi River, at about 94.5 miles above Head of Passes, between the 600 and 900 blocks of Decatur Street, New Orleans, Louisiana, in Orleans Parish, as shown on the attached drawings.

Latitude: 29.95583/Longitude: -90.06083; Hydrologic Unit Code: 08090100 Lower Mississippi-New Orleans.

CHARACTER OF WORK: Install and maintain a walkway and pier which would include the Vanilla Sky Café and helium balloon ride. Project implementation would require deposition of approximately 300 cubic yards of rubble stone around pilings. All major construction that includes heavy duty materials will be performed from a barge. Minor construction i.e. wood flooring will be conducted from the bank. No compensatory mitigation has been proposed.

The comment period for the Department of the Army Permit and the Louisiana Department of Environmental Quality WQC will close **30 days** from the date of this joint public notice. Written comments, including suggestions for modifications or objections to the proposed work, stating reasons thereof, are being solicited from anyone having interest in this permit and/or this WQC request and must be mailed so as to be received before or by the last day of the comment period. Letters concerning the Corps of Engineers permit application must reference the applicant's name and the Permit Application Number, and be mailed to the Corps of Engineers at the address above, **ATTENTION: REGULATORY BRANCH**. **Similar letters concerning the Water Quality Certification must reference the applicant's name and the WQC Application number and be mailed to the Louisiana Department of Environmental Quality at the address above.**

The application for this proposed project is on file with the Louisiana Department of Environmental Quality and may be examined during weekdays between 8:00 a.m. and 4:30 p.m. Copies may be obtained upon payment of costs of reproduction.

Corps of Engineers Permit Criteria

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers is soliciting comments from the public, federal, state, and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to make, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The proposed park is located adjacent to the Vieux Carre Historic District, a National Historic Landmark, the United States Mint which is also a National Historic Landmark and the French Market/Old Meat Market National Register properties. The COE will comply with the requirements of Section 106 of the National Historic Preservation Act and Section 110(f) of the National Historic Preservation Act which requires federal agencies, "to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected by an undertaking". Copies of this notice are being sent to the State Archaeologist and State Historic Preservation Officer.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal would result in the destruction or alteration of **N/A** acres of EFH utilized by various life stages of red drum and penaeid shrimp. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not violate applicable water quality standards will be required from the Department of Environmental Quality, Water Quality Certifications, before a permit is issued.

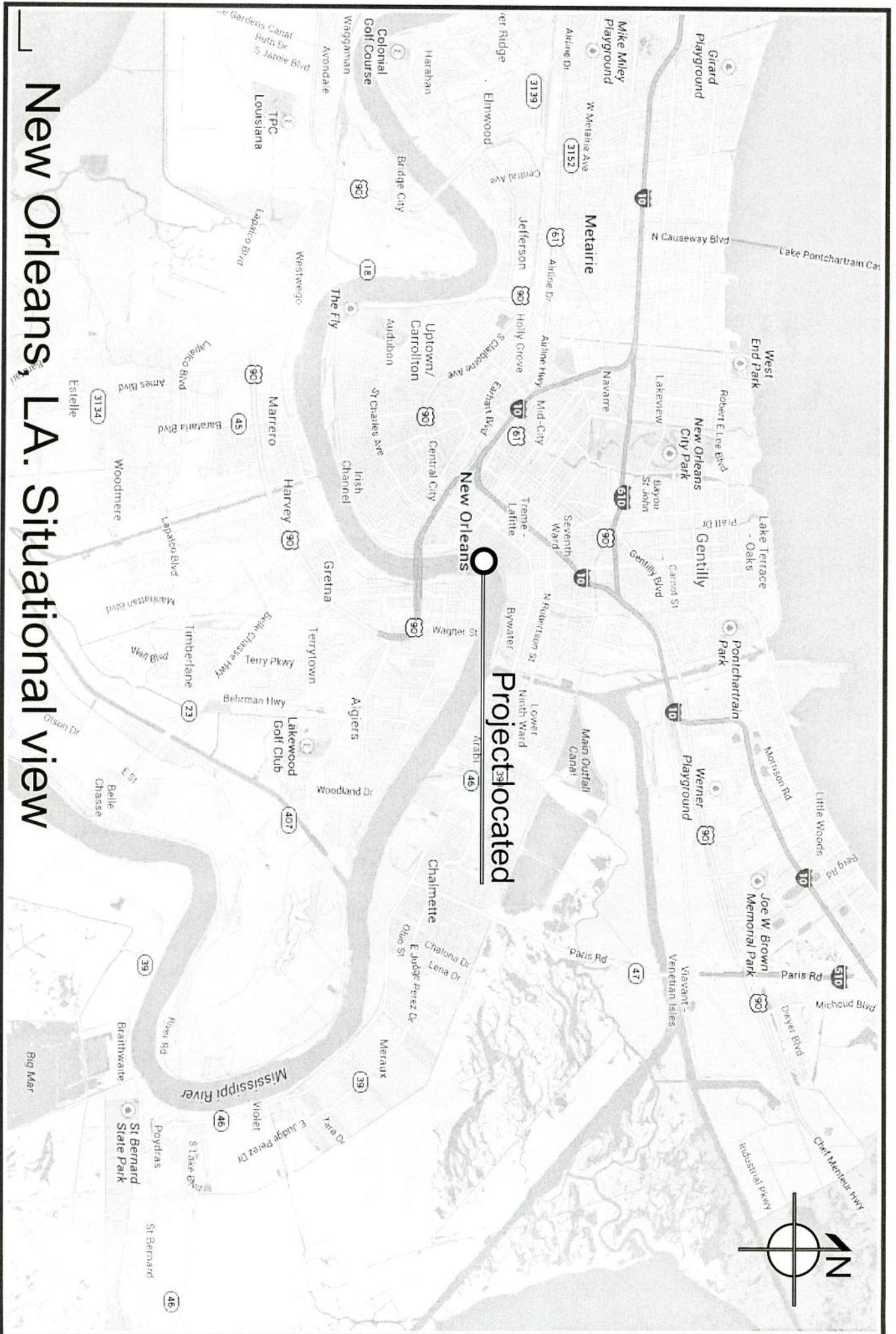
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The applicant has certified that the proposed activity described in the application complies with and will be conducted in a manner that is consistent with the Louisiana Coastal Resources Program. The Department of the Army permit will not be issued unless the applicant received approval or a waiver of the Coastal Use Permit by the Department of Natural Resources.

You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

Michael V. Farabee
Chief, Eastern Evaluation Section

Enclosure



New Orleans, LA. Situational view





New Orleans, LA Situational view

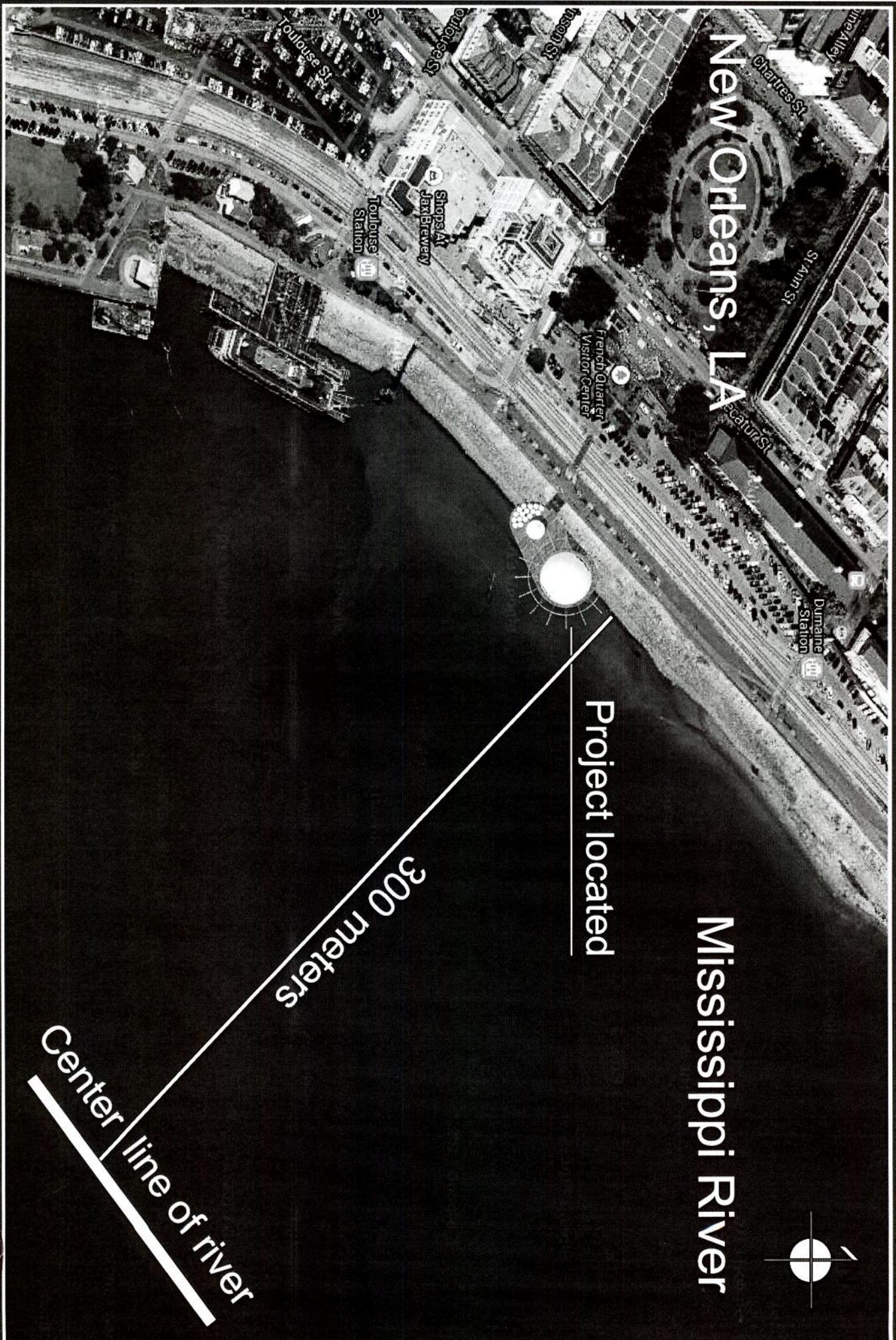
Project located



2



Project Located



New Orleans, LA

Mississippi River

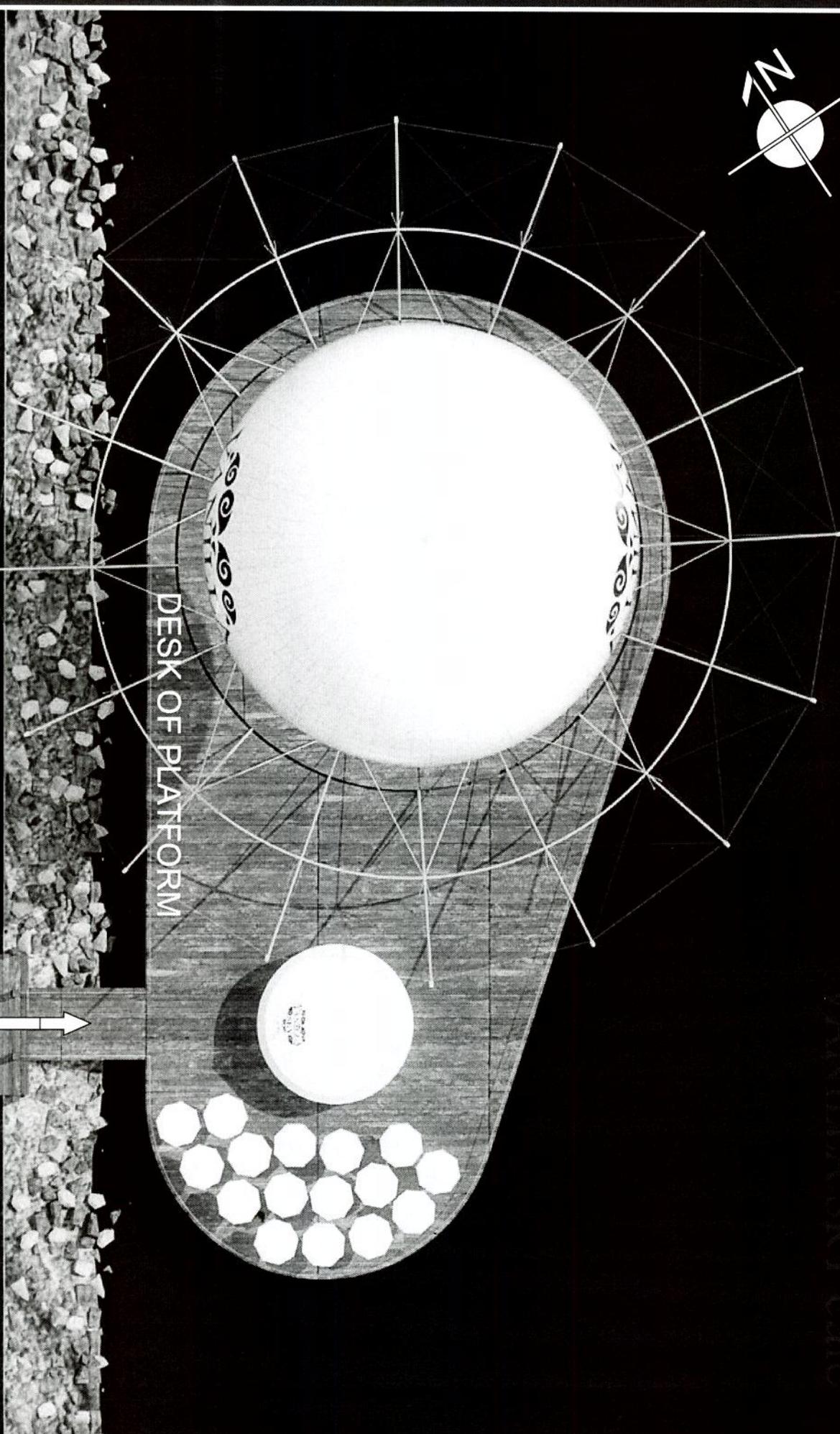
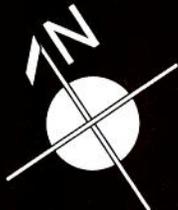
Project located

300 meters

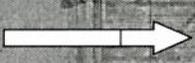
Center line of river

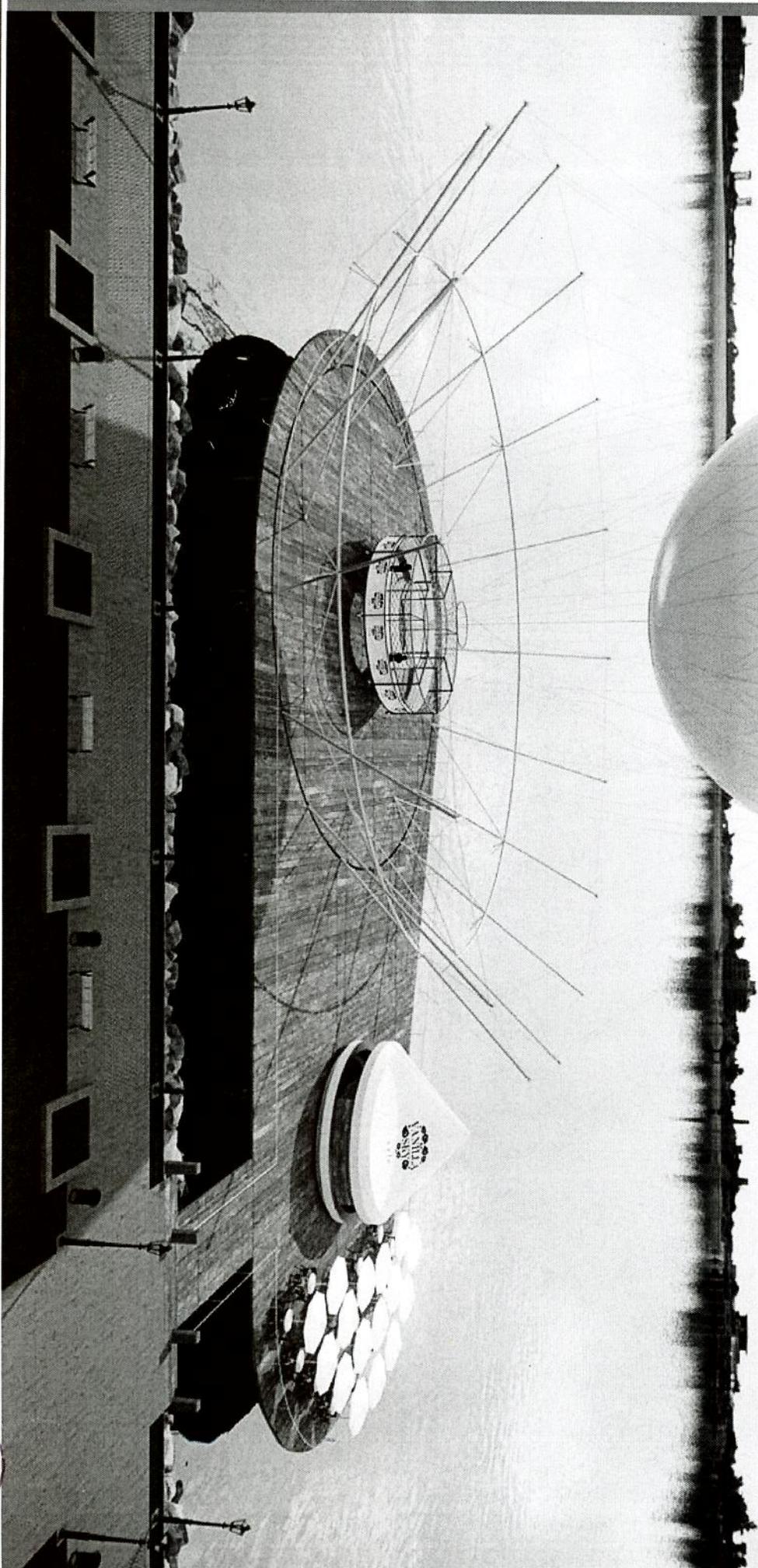


7



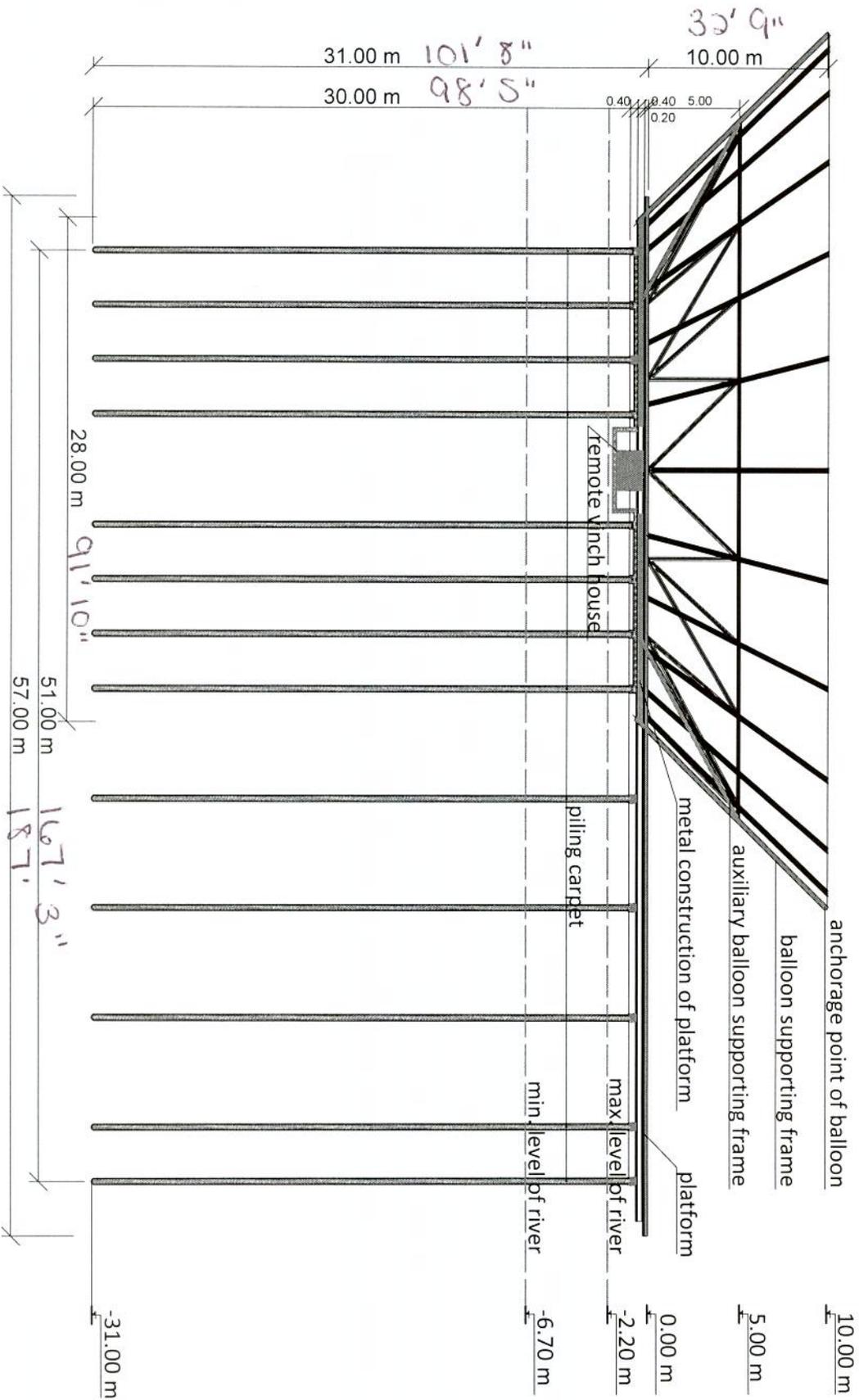
RIVERSIDE





10

PLATFORM DRAFT DESIGN FOR INSTALLATION OF AERO30NG
sectional view of grillage along the river bank

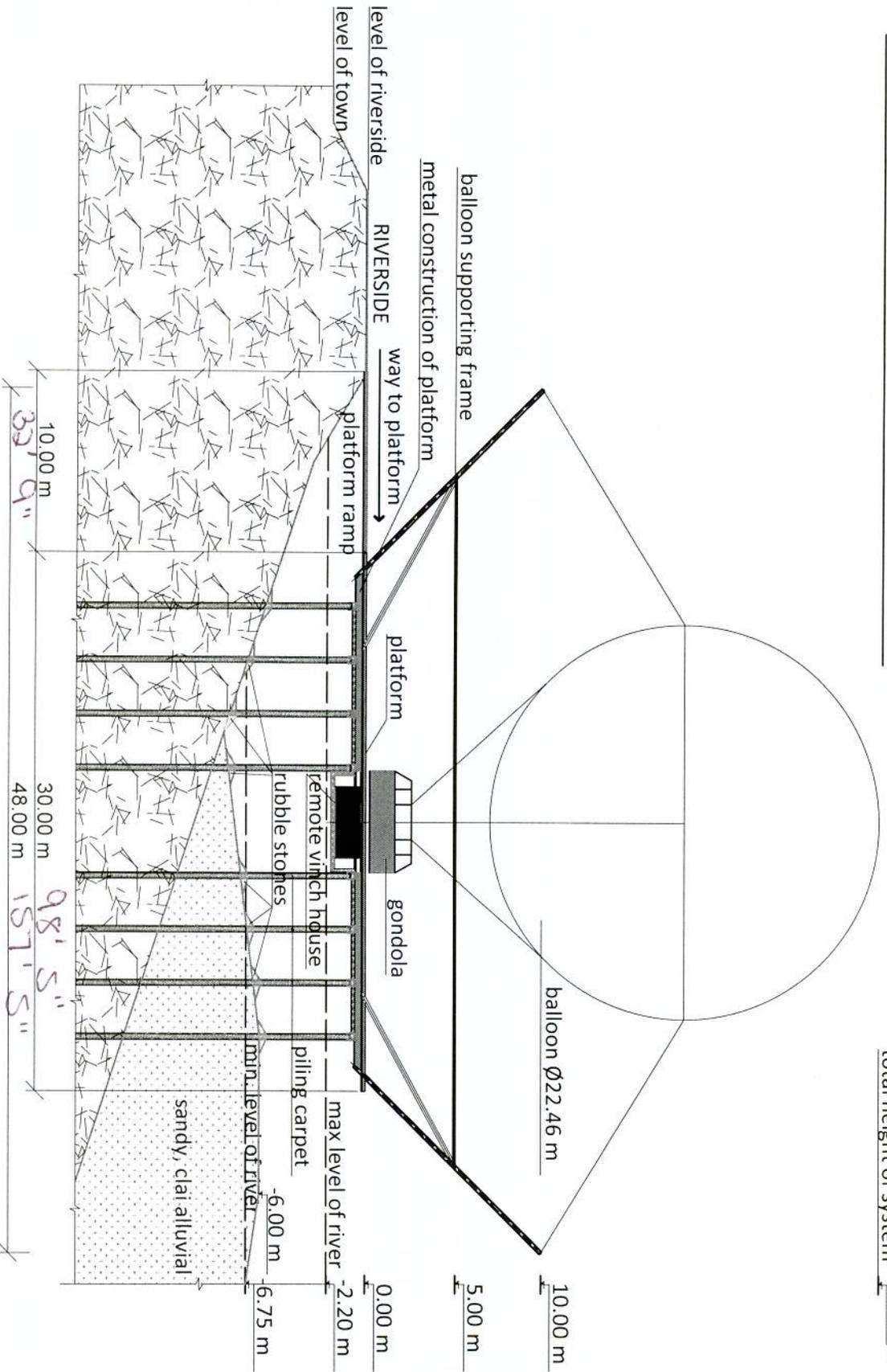


Comment: All dimenstions are in metric system (meters)

Business Development Solutios, LLC

PLATFORM DRAFT DESIGN FOR INSTALLATION OF AERO30NG
sectional view of grillage across the river bank

total height of system 34.00 m



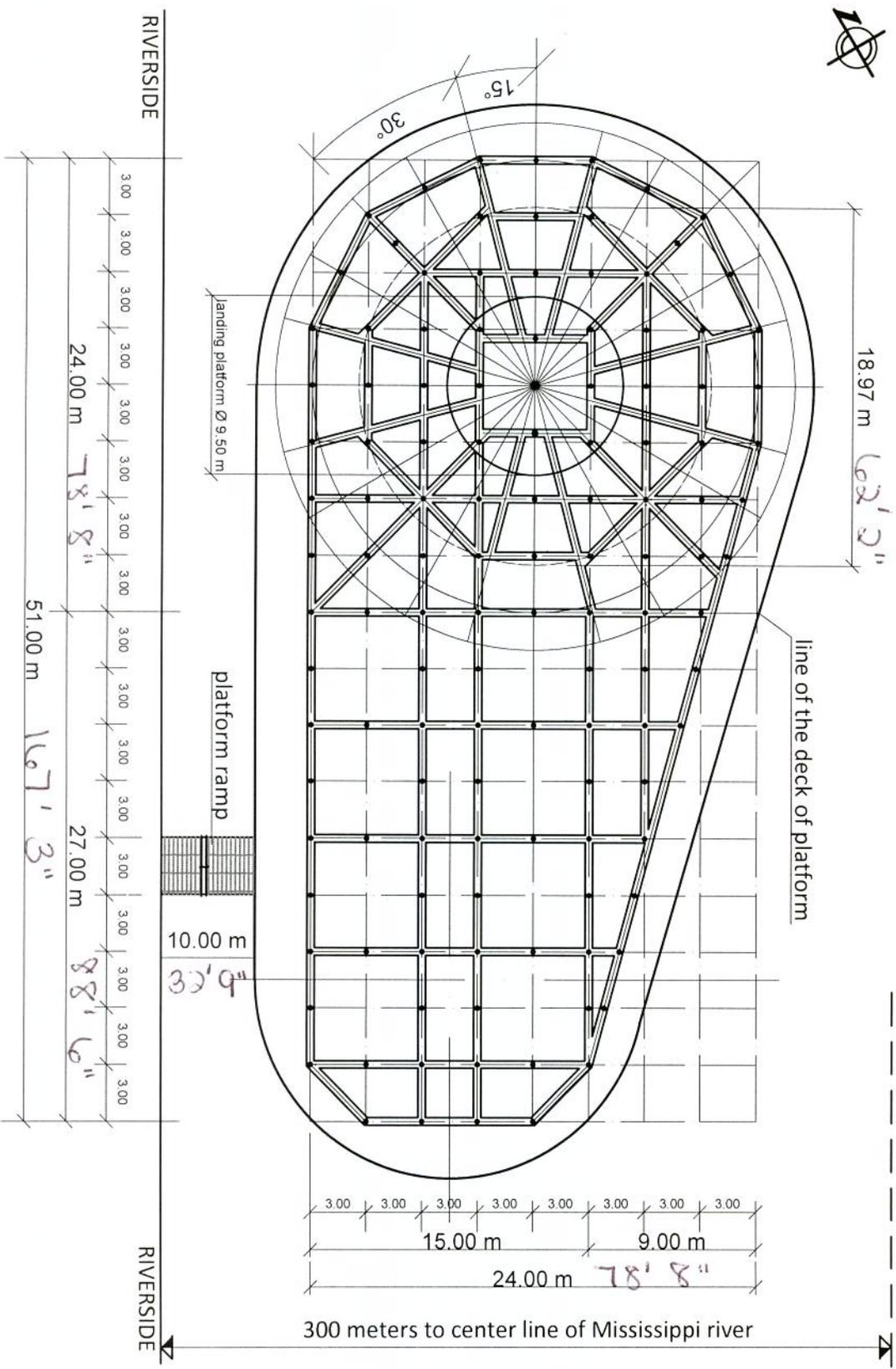
Comment: All dimensions are in metric system (meters)

Business Development Solutions, LLC

9

PLATFORM DRAFT DESIGN FOR INSTALLATION OF AERO30NG
 plan of grillage beams (girders)

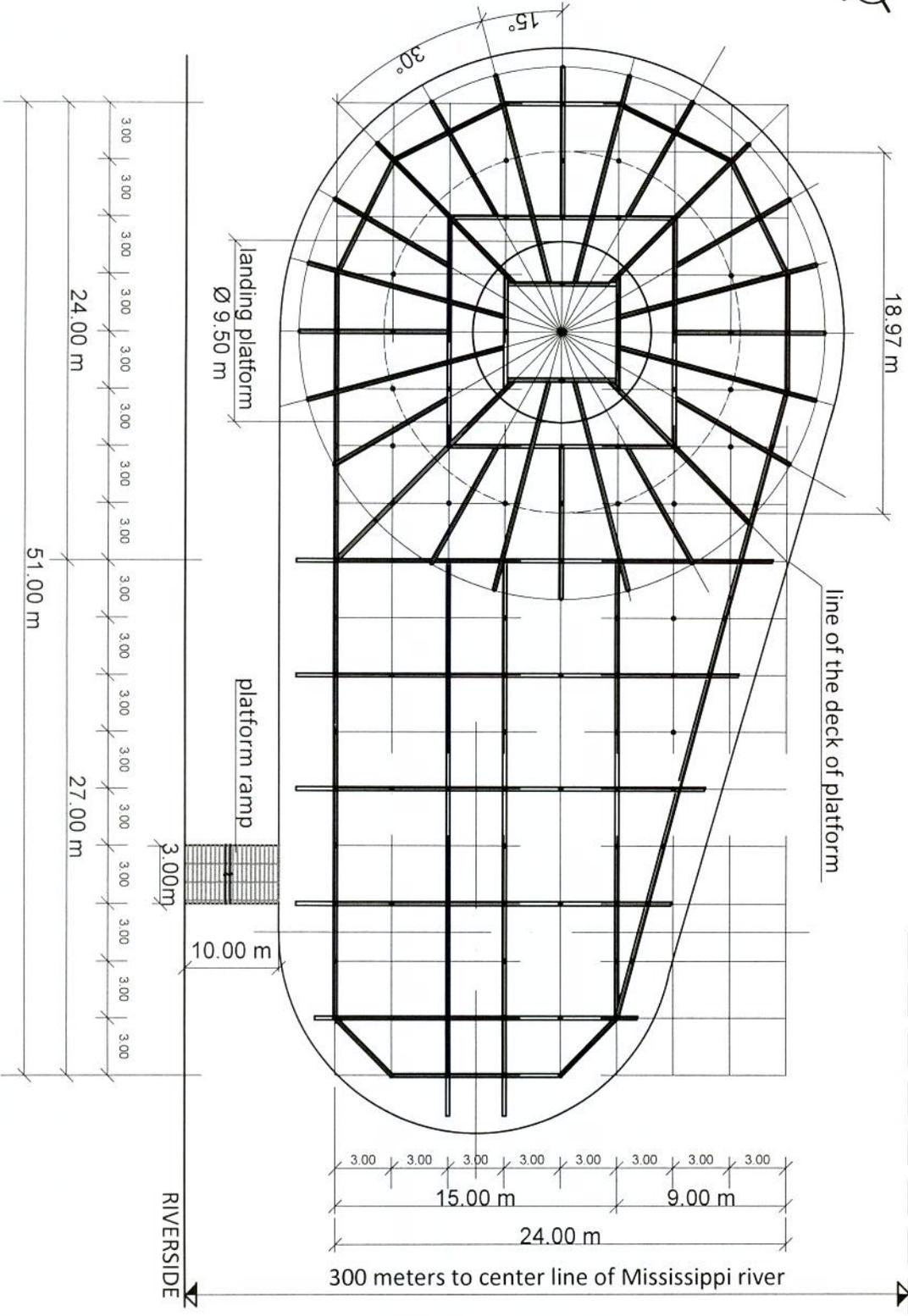
CENTER LINE OF MISSISSIPPI RIVER



Comment: All dimensions are in metric system (meters)

Buseness Development Solutions, LLC

PLATFORM DRAFT DESIGN FOR INSTALLATION OF AERO30NG
plan of the platform metal construction

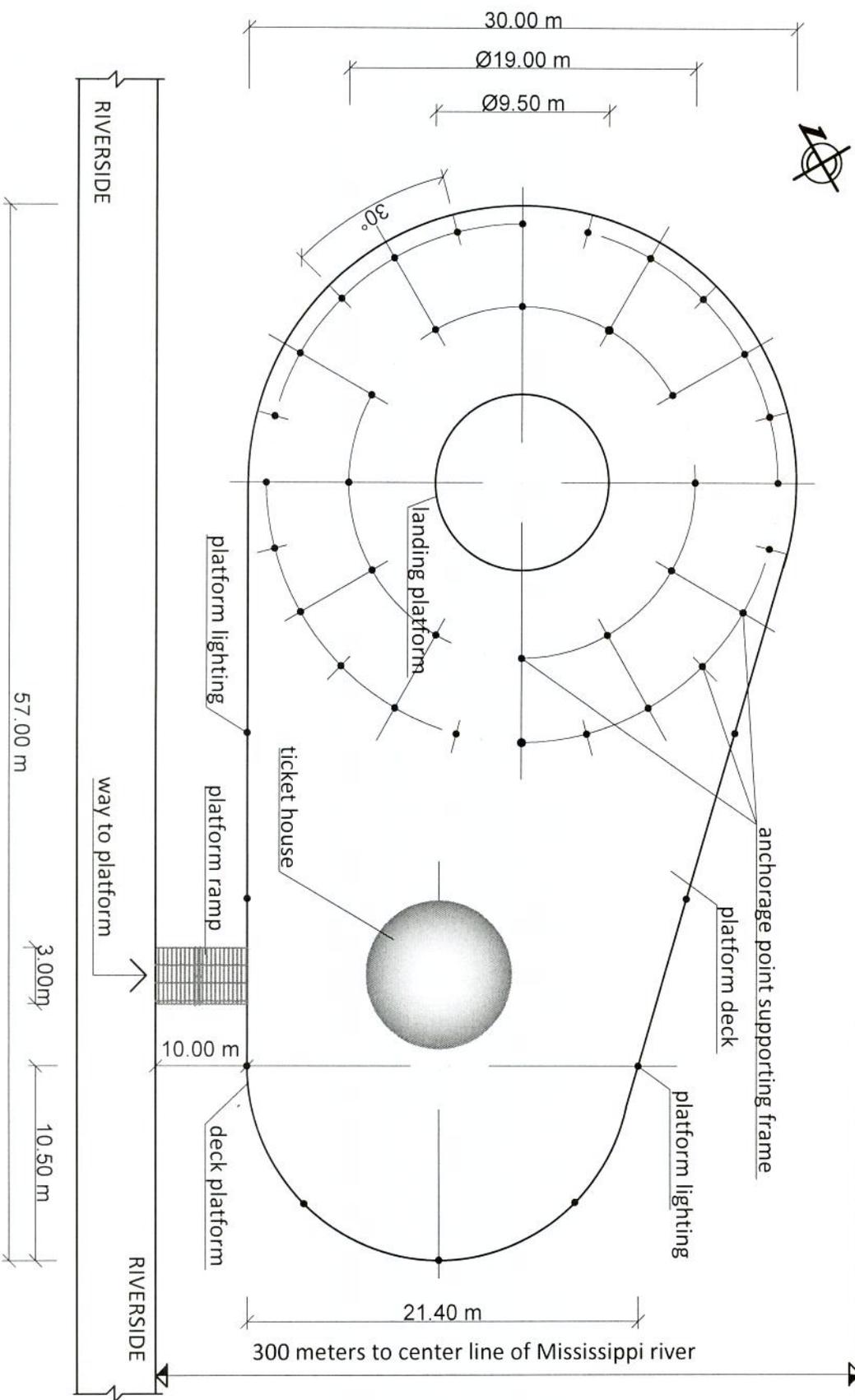


Comment: All dimensions are in metric system (meters)

Buseness Development Solutions, LLC

**PLATFORM DRAFT DESIGN FOR INSTALLATION OF AERO30NG
deck plan (general view)**

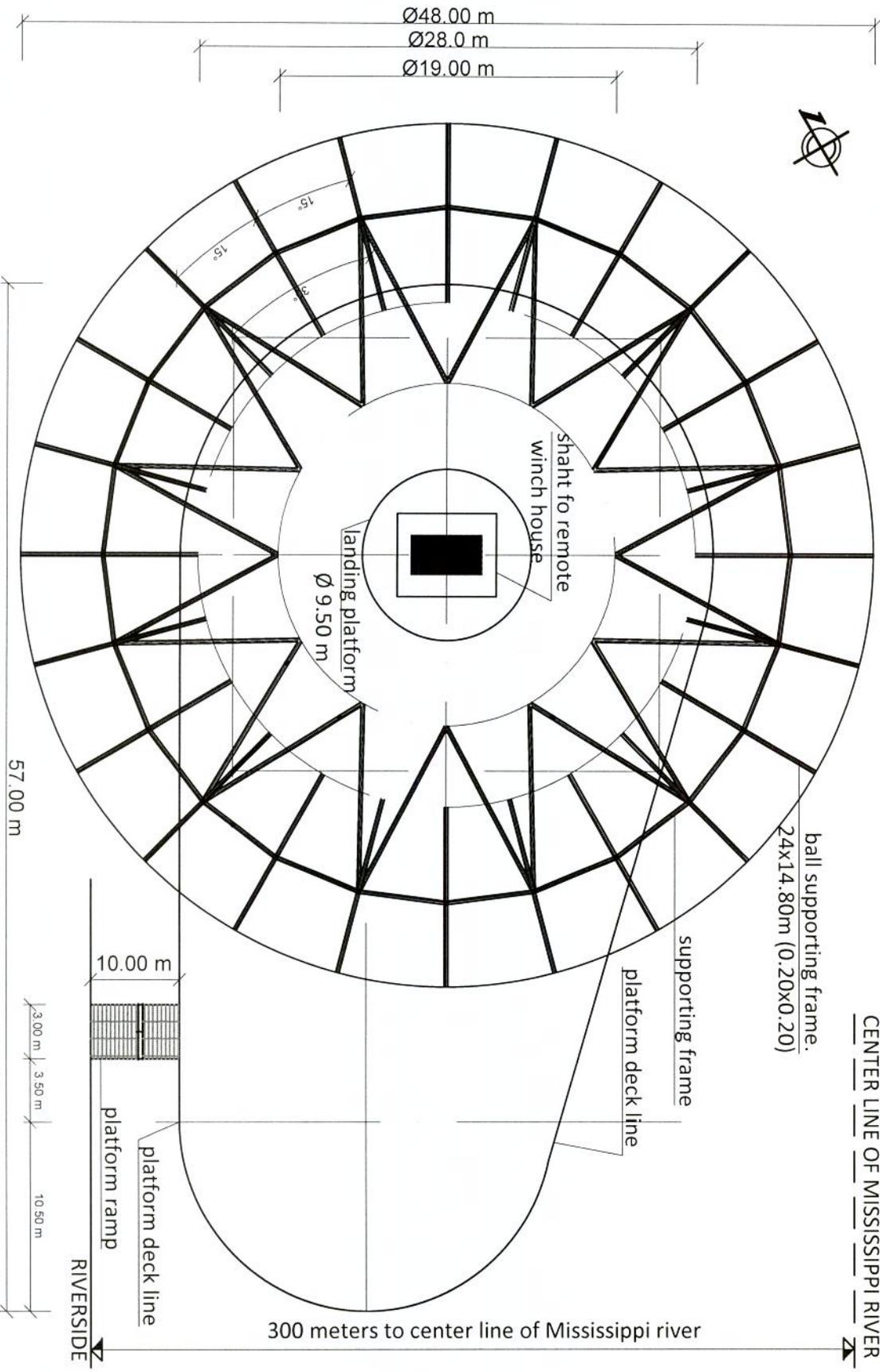
CENTER LINE OF MISSISSIPPI RIVER



Comment: All dimensions are in metric system (meters)

Buseness Development Solutions, LLC

PLATFORM DRAFT DESIGN FOR INSTALLATION OF AERO30NG
plan of the ballon supporting frame



Comment: All dimensions are in metric system (meters)

Business Development Solutions, LLC